

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 2 of the Commission's)	ET Docket No. 00-258
Rules to Allocate Spectrum Below 3 GHz)	
For Mobile and Fixed Services to Support)	
the Introduction of New Advanced Wireless)	
Services, including Third Generation)	
Wireless Systems)	
)	
Petition for Rulemaking of the Cellular)	RM-9920
Telecommunications Industry Association)	
Concerning Implementation of WRC-2000;)	
Review of Spectrum and Regulatory)	
Requirements for IMT-2000)	
)	
Amendment of the U.S. Table of Frequency)	RM-9911
Allocations to Designate the 2500-2520/)	
2670-2690 MHz Frequency Bands for the)	
Mobile-Satellite Service)	

To: The Commission

COMMENTS ON FINAL REPORT

The National ITFS Association ("NIA") provides the following comments on the *Final Report* entitled "Spectrum Study of 2500 – 2690 MHz Band: The Potential for Accommodating Third Generation Mobile Systems" ("Final Report"), issued by FCC Staff on March 30, 2001.

NIA applauds the FCC Staff's extensive study of the facts relevant to the prospects for use of the 2500-2690 MHz Band for 3G services, as reflected in the Final Report.¹ NIA strongly

¹ NIA has some continuing trouble with the characterization in some quarters of 3G mobile services as being "broadband" or "high speed." For example, the Final Report, at 8, states that, according to the ITU, 3G systems will provide mobile, high speed access to a wide range of
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endorses the Final Report's conclusions that ITFS/MDS-based fixed wireless broadband systems in the 2500-2690 MHz Band will provide considerable benefits to prospective users and the national economy, that implementation of either segmentation or relocation of incumbents in the 2500-2690 MHz Band for purposes of making spectrum available for 3G would significantly affect ITFS/MDS deployment and impose considerable costs on both private entities and the public,² and that both segmentation and relocation could result in the demise of fixed broadband wireless services to the public. In addition, relocation would require other incumbents to be moved from their bands, at enormous additional costs.

The Final Report thus fully supports and confirms the record generated in ET Docket No. 00-258, which record leads inescapably to the conclusion that the ITFS/MDS bands (both at 2150-2160/62 MHz and at 2500-2690 MHz) cannot, should not, and need not be made available for 3G services. Indeed, the record in this Docket shows that the ITFS/MDS bands are not the bands of choice by potential 3G providers or their technology suppliers and that there are other

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telecommunications services. However, in the mobile context in particular, even 3G proponents have conceded that 3G wireless speeds do not live up to their billing. For example, Verizon Wireless is quoted as stating that, in its tests, throughput averaged only 50 kbps on its 144 kbps 3G service. Brewin, *3G Wireless Speeds Fail to Match Claims*, http://computerworld.com/nlt/1%2C3590%2CNAV47_STO59392_NLTpm%2C00.html (April 9, 2001).

² In one respect, NIA notes the potential need for dealing further with the issue of costs, should the FCC take the now exceedingly unlikely step of segmentation or relocation in the 2500-2690 MHz Band. In the Final Report, at 82, the Staff suggests that it does not take into account certain ITFS costs of relocation, including ITFS licensees' loss of lease revenues and in-kind compensation to support their educational missions. Although NIA recognizes the Staff's explanation that these costs raise legal and policy issues that are beyond the scope of this proceeding, and that they are hard to quantify in the aggregate, NIA feels constrained to put the FCC and parties on notice that, if segmentation or relocation were ever to take place, NIA, ITFS licensees and the education community of the United States will insist that ITFS licensees be made fully whole, including compensation equal to lost future lease revenues and in-kind lease support.

bands that can be made available for 3G services, including other bands that are reasonably available in the near term.

Based on the record, including the Final Report, NIA urges the FCC expeditiously to conclude this proceeding, at least to the extent necessary to take the 2150-2160/62 MHz and 2500-2690 MHz Bands off the table.

Conclusion

The Final Report effectively precludes any rational argument that the ITFS/MDS bands can or should be made available for 3G services. It's time to take these bands off the table so that ITFS/MDS licensees and their partners can move forward with the roll out of fixed wireless broadband services, which are critical to the educational and commercial well being of this country.

Respectfully submitted,

NATIONAL ITFS ASSOCIATION

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